

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SHELLEY DURHAM HOWELL,

Plaintiff,

vs.

MARTIN O'MALLEY,
Commissioner of Social Security,

Defendant.

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Case No. 3:23-cv-2374-RJD¹

MEMORANDUM AND ORDER

DALY, Magistrate Judge:

This matter comes before the Court on the parties' Agreed Motion to Remand to the Commissioner. ([Doc. 23](#)).

The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error and is itself a final, appealable order. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of the plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

For good cause shown, the parties' Agreed Motion to Remand ([Doc. 23](#)) is **GRANTED**. The parties agree that, on remand, the ALJ will reevaluate the state agency consultants' prior administrative medical findings; reassess the claimant's residual functional capacity; if necessary, obtain additional vocational expert testimony; take further action to complete the administrative record resolving the above issues; and issue a new decision. Plaintiff applied for benefits on

¹ This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c). (Doc. 10).

January 29, 2021. (Tr. 17). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

The final decision of the Commissioner of Social Security denying Plaintiff's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of Plaintiff. All pending deadlines are moot.

IT IS SO ORDERED.

DATED: January 31, 2024

s/ Reona J. Daly
Hon. Reona J. Daly
United States Magistrate Judge